

# **ATTACHMENT A**

## **Schedule, Timeline and Tasks**

**Charter Review Commission**  
Schedule/ Timeline & Tasks for Charter Amendments  
PRELIMINARY **DRAFT** 4-20-05

April – July 2005	<ul style="list-style-type: none"> <li>• <b>Study &amp; review</b> operations of County Government. <ul style="list-style-type: none"> <li>○ Gather historical information on past Charter Review processes</li> <li>○ Gather data/input from County and Public in meetings. <ul style="list-style-type: none"> <li>▪ What's working?</li> <li>▪ What's not working?</li> <li>▪ What are the needs/opportunities?</li> <li>▪ What are the obstacles (if any)?</li> <li>▪ Suggestions to resolve/improve/fix</li> </ul> </li> <li>○ Possibly gather additional data: <ul style="list-style-type: none"> <li>▪ Interviews with Department Heads (?)</li> <li>▪ Interviews with others (?)</li> <li>▪ Surveys (?) [County website, mailed in, etc.]</li> </ul> </li> <li>○ Research sample/model charters/other forms of government, etc.</li> </ul> </li> </ul>
August - September 2005	<ul style="list-style-type: none"> <li>• <b>Identify “problem(s)”</b> - Is there a problem? <ul style="list-style-type: none"> <li>○ Define problem(s).</li> </ul> </li> <li>• <b>Analyze data</b>/input</li> <li>• <b>Findings</b></li> <li>• <b>Requests for public input</b> to gather information/suggestions from community/voters</li> <li>• <b>Discuss alternatives</b> (brainstorm?), such as: <ol style="list-style-type: none"> <li>1. Improve existing Charter/current system</li> <li>2. Substantially change existing Charter/current system</li> <li>3. Design ideal Charter</li> </ol> </li> <li>• <b>Select alternative</b> for recommendations (revise, amend, rewrite, etc)</li> <li>• <b>Justification</b> for selected alternative [pro &amp; con discussion?]</li> </ul>
October 2005 – March 2006 (5 months)	<ul style="list-style-type: none"> <li>• Work on/write Draft proposed recommendations</li> <li>• Attorneys/legal expert prepare draft language</li> </ul>
April – May 2006	• <b>Public Informational Meetings/Hearings</b> (NS, Kapa'a, Lihu'e, Koloa, West Side?)
June – July 2006	<ul style="list-style-type: none"> <li>• Revise as necessary</li> <li>• Attorney/legal expert work on final language for report &amp; recommendations</li> </ul>
August 4, 2006 (Friday)	<ul style="list-style-type: none"> <li>• <b>Final Report &amp; Recommendations</b> due to County Clerk</li> <li>• <b>Voter Education Material</b> (e.g., pro/con sheets) due to County Clerk</li> </ul>
August – September 2006	<ul style="list-style-type: none"> <li>• <b>Voter/Public Education Meetings/Outreach</b> on Final Recommendations: <ul style="list-style-type: none"> <li>○ Presentations around island, and “by-request” presentations to organizations, groups, schools, etc.</li> <li>○ <i>The Garden Island</i></li> <li>○ County website</li> <li>○ Hoike – video presentation/panel/education, etc.</li> <li>○ Seek assistance from organizations such as the LWV</li> </ul> </li> </ul>
September 8, 2006 (Friday)	All Charter amendment question(s) due to Chief Elections Officer for printing of ballot (pursuant to HRS 11-119(b).
October 3, 2006 (Monday)	Mail-out of General Election absentee ballots to overseas voters.
October 7, 2006 (Friday)	County Clerk publishes all proposed Charter amendments in a newspaper of general circulation in the county.
November 7, 2006 (Tuesday)	General Election
December 7, 2006	Publication of approved Charter amendments in a newspaper of general circulation in the county within 30 days.

# **ATTACHMENT B**

## **Charter Commission Rules**

**RULES OF THE CHARTER COMMISSION  
COUNTY OF KAUAI**

**RULE 1. QUORUM**

The quorum required for the Commission to hold meetings shall be fixed at four members, the majority of the entire Commission.

**RULE 2. VOTING: RULE OF THE MAJORITY**

- a. Procedural matters, requests for information, and internal Commission matters shall require the approval of a majority vote of those present at any meeting.
- b. Matters of substance shall require the approval of four members of the Commission. Proposed charter changes require a minimum review at two meetings, adoption and/or approvals of the Commission as set forth in Rule 4.
- c. Each member shall have one vote. No votes by proxy shall be permitted.
- d. Any member can vote on a pending motion and participate in discussion on every debatable motion before it is finally acted upon. The holding of an office on the Commission shall not disqualify the member from making motions, participating in debate, or voting.
- e. Voting shall be by voice or by show of hands. A roll call vote shall be required when requested by any member.

**RULE 3. PROPOSED AMENDMENTS TO THE CHARTER; FORM;  
STATEMENT OF PURPOSE**

A charter amendment proposal may be prepared on a form whose content is approved by the Commission. Any such form should include the following information:

- a. A brief description of the purpose of the proposal and of the problem being addressed by the proposal;
- b. If applicable, the citation of the charter provision(s) proposed to be deleted or amended;

- c. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction, the name of the jurisdiction and, if possible, a copy of the relevant provision(s) attached to the proposal;
- d. Copies of other written materials supporting the proposal, if relevant; and
- e. The text of the proposed charter amendment in the Ramseyer format.

**RULE 4. PROCEDURES FOR THE CONSIDERATION AND ADOPTION OR APPROVAL OF PROPOSED AMENDMENTS TO THE CHARTER**

The following procedures shall be followed in the consideration and adoption or approval of the proposals for the amendment of the charter:

- a. Introduction of the proposal(s) for the amendment of the charter for consideration by the Commission;
- b. Upon adoption or approval of the proposal(s) by the Commission, the Commission shall refer the proposal(s) to legal counsel for recommendations regarding legality and compliance with statutes and superior laws, and may refer the proposal(s) to appropriate agencies, organizations or persons for their recommendations regarding the proposed amendment;
- c. Upon receipt of the recommendations of legal counsel and/or the appropriate agencies, organizations, or persons to which the proposal(s) have been referred, the Commission may reconsider the proposal(s) and make such substantive and/or legal changes to the proposal(s) as it may deem necessary;
- d. Upon reconsideration and/or adoption or approval of substantive and/or legal changes to the proposal(s) by the Commission, the Commission shall further consider the proposal(s) for final and proper arrangement and order of the proposed amendments; and
  - Examine and correct the proposals which are referred to it and, as may be applicable, the statement of intent or purpose accompanying each proposal, for purposes of avoiding inaccuracies, repetitions and inconsistencies;
  - Draft in the same style as required for specifically worded proposals (Ramseyer drafting style), the correct and appropriate charter language for ideas or conceptual proposals which are referred to it; and

- Arrange the proposed amendments in the proper order in the charter.

Where a proposal referred to the Commission appears inconsistent with or in conflict with a proposal already acted upon favorably by the Commission, the Commission shall resolve the inconsistency or conflict.

- e. After all proposals to amend the Charter have been disposed of, the Commission will review all proposals that have been tentatively approved. The Commission will consider each proposal on its merits paying attention to the manner in which each proposal relates to the Charter as a whole.
- f. After all proposals have been finally reviewed, the Commission shall propose the form in which the proposed amendments are submitted to the electorate. The Commission shall also be responsible for proposing and implementing a public education program to acquaint the electorate with the proposed amendments.

RULE 5. COMMITTEES OF THE CHARTER COMMISSION; APPOINTMENT OF MEMBERS

- a. The Commission may create such standing and special committees as it deems necessary. The members of the special and standing committees shall be appointed by the Commission.

RULE 6. FUNCTIONS AND DUTIES OF THE STANDING AND SPECIAL COMMITTEES

Standing and special committees of the Commission shall perform such functions and duties as may be required by the instructions of the Commission.

RULE 7. TESTIMONY BY MEMBERS OF THE PUBLIC

The Commission shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The Commission shall also afford all interested persons an opportunity to present oral testimony on any agenda item. Whether comments are relevant shall be determined by the Chair.

Oral testimony from interested persons shall be limited to five minutes but such time limit shall not include pertinent responses by the speaker to questions posed by the members of the Commission. Speakers should be requested to submit two copies of their testimony to the Commission but the failure to provide testimony shall not bar a person from speaking. Speakers should also

be asked, but not required, to provide their names as part of their testimony. A speaker's time may be limited to three minutes if, in the discretion of the Chair, such limitation is necessary to accommodate all persons desiring to address the Commission at that meeting.

Those interested persons desiring to address comments to the Commission may be asked to register with the staff secretary at the beginning of the meeting; however, testifiers shall not be barred from testifying if they fail or refuse to register with the staff secretary.

**RULE 8. OFFICERS AND STAFF OF THE COMMISSION**

- a. The officers of the Commission shall be a Chair and Vice Chair who shall be elected by the Commission.
- b. It shall be the duty of the Chair of the Commission:
  - 1) To preside at all meetings of the Commission;
  - 2) To receive all communications and present them promptly to the Commission;
  - 3) To authenticate by signature all acts of the Commission as may be required by law and to sign all instruments requiring execution or agreement by the Commission;
  - 4) To promptly refer all charter amendment proposals and other matters to the full Commission or to the appropriate standing committee, subject to appeal;
  - 5) To appoint members of committees in accordance with Rule 5;
  - 6) To preside at all permitted executive sessions of the Commission;
  - 7) To direct the preparation of the agenda for meetings of the Commission and to have the agenda posted and filed with the Office of the County Clerk in accordance with Section 92-7, Hawaii Revised Statutes;
  - 8) To consult with the staff of the Commission and preside over staff meetings;
  - 9) To provide for the coordination of all administrative activities of the Commission and to see that they are honestly, efficiently, and lawfully conducted;

- 10) To serve as the chief spokesperson for the Commission before the public, the media, the State and federal governments, the County Council and the County Administration; and
- 11) To perform such other duties as may be required by law or as may properly pertain to the office.

c. It shall be the duty of the Vice Chair of the Commission:

- 1) To exercise all the duties and powers of the Chair in the Chair's absence;
- 2) To assist the Chair as needed; and
- 3) To perform such other duties as are prescribed by law or assigned by the Commission.

d. It shall be the duty of the staff secretary to the Commission to:

- 1) Prepare the agenda for meetings of the Commission at the direction of the Chair and transmit the agenda to the Office of the County Clerk for posting in accordance with HRS Section 92-7;
- 2) Maintain a record of the agendas of the Commission and of its Committees;
- 3) Prepare accurate minutes of the meetings of the Commission and the Commission's standing committees, and maintain files thereof, all in accordance with Section 92-9, Hawaii Revised Statutes;
- 4) Maintain a file of written disclosures made by Commission members pursuant to Rule 10;
- 5) To number and maintain a record of all written charter amendment proposals, communications, testimonies and petitions brought before the Commission;



- 6) To maintain a current copy of the Rules of the Commission;
  - 7) To maintain files containing all other written records of the Commission, including any contracts of the Commission;
  - 8) As may be necessary and at the direction of the Chair or Commission, to receive and draft correspondence on behalf of the Commission;
  - 9) To transmit the records of the Commission kept by the staff secretary to the County Clerk or other archive designated by the County Attorney after the work of the Commission has been completed; and
  - 10) To perform such other duties as are prescribed by law or assigned by the Commission.
- e. Any officer may delegate, by administrative directive, any of the administrative duties assigned to the officer under these rules to another Commission member or to a member of the Commission staff, provided that the officer shall take reasonable measures to ensure that any delegated duties are being faithfully performed.

#### RULE 9. PARLIAMENTARY AUTHORITY

Meetings shall be conducted in accordance with the procedures established in these Rules. On all matters of procedure not addressed in these Rules, the Commission may refer to *Robert's Rules of Order, Newly Revised (10<sup>th</sup> Edition)*, for guidance in developing procedures for the conduct of Commission meetings.

#### RULE 10. DISCLOSURE OF INTEREST

Written Disclosure. Whenever a member of the Commission possesses or acquires such interests as might reasonably tend to create a conflict with the public interest, the member shall make full disclosure in writing to the Commission. Such disclosures shall be a matter of public record and filed with the staff secretary.

RULE 11. SUSPENSION OF THE RULES

Unless superseded or prohibited by state or county law, these Rules may be suspended by the affirmative vote of a majority of the entire membership of the Commission.

RULE 12. AMENDMENT AND REPEAL OF RULES

Subject to applicable law including, but not limited to, Haw. Rev. Stat. chapter 91, these Rules may be amended or repealed upon the affirmative vote of a majority of the entire membership of the Commission.

**CHARTER COMMISSION  
COUNTY OF KAUAI,  
HAWAII**

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Chairperson

APPROVED AS TO FORM  
AND LEGALITY:

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County Attorney

Received this \_\_\_\_\_ day of \_\_\_\_\_,  
day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_, \_\_\_\_\_.

Approved this \_\_\_\_\_

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Peter Nakamura  
County Clerk, County of Kauai

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Bryan J. Baptiste  
Mayor, County of Kauai

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**CERTIFICATION**

I hereby certify that the Charter Commission of the County of Kauai adopted the foregoing administrative rules of the Charter Commission on October 26, 2005, under authority of chapter 91, Haw. Rev. Stat., as amended, and that the provisions of Sec. 91-3, Haw. Rev. Stat., as amended, have been satisfied, including the holding of a public hearing on August 3, 2005, 2005, and the giving of proper notice for the public hearing, which notice was advertised in The Garden Island on July 3, 2005 and July 6, 2005.

Dated at Lihue, Kauai, this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Secretary  
CHARTER COMMISSION

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**CERTIFICATION OF COUNTY CLERK**

I hereby certify that on \_\_\_\_\_, \_\_\_\_\_, I accepted for filing from the Charter Commission of the County of Kaua'i the foregoing rules of the Charter Commission adopted on \_\_\_\_\_, 2005.

Kauai

\_\_\_\_\_  
Peter Nakamura, County Clerk, County of

## **ATTACHMENT C-1**

**Communication from County Clerk dated  
April 4, 2005, Charter Commission Reports  
of 1974, 1984, and 1996**

**Copies available with Charter Commission files or  
for review by calling 241-6300.**

## **ATTACHMENT C-2**

**Communication from County Clerk dated  
April 4, 2005, Council Referrals to the  
Charter Commission (2003-2004)**

**Copies available with Charter Commission files or  
for review by calling 241-6300.**

## **ATTACHMENT C-3**

**Communication County Clerk dated  
April 5, 2005, Result of Votes Cast  
For Charter Amendments from  
1972 to 2004**

**Copies available with Charter Commission files or  
for review by calling 241-6300.**

## **ATTACHMENT D**

**List of Meeting Dates of Locations**

**List of Department, Agency and  
Boards & Commission Witnesses**

**List of Public Witnesses**

## CHARTER COMMISSION MEETINGS 2004 – 2006

2006 Meeting Dates (meetings start at 4:30 pm unless otherwise stated)

November 13, 2006	Pi`ikoi Conference Room A, @ 5:00 pm
October 2, 2006	Mo`ikeha Meeting Room 2 A/B
September 18, 2006	Council Chambers
September 6, 2006	Mo`ikeha Meeting Room 2 A/B
August 21, 2006	Council Chambers
August 9, 2006	Mo`ikeha Meeting Room 2 A/B
August 7, 2006	Council Chambers
August 3, 2006	Piikoi Meeting Room A & B
August 2, 2006	Mo`ikeha Meeting Room 2 A/B
July 31, 2006	Council Chambers
July 26, 2006	Mo`ikeha Meeting Room 2 A/B
July 24, 2006	Council Chambers
July 19, 2006	Mo`ikeha Meeting Room 2 A/B
July 17, 2006	Council Chambers
July 12, 2006	Council Chambers
July 10, 2006	Council Chambers
July 3, 2006	Council Chambers
June 28, 2006	Mo`ikeha Meeting Room 2 A/B
June 26, 2006	Council Chambers
June 19, 2006	Council Chambers
June 14, 2006	Mo`ikeha Meeting Room 2 A/B
June 5, 2006	Council Chambers
May 31, 2006	Mo`ikeha Meeting Room 2 A/B
May 22, 2006	Council Chambers
May 17, 2006	Mo`ikeha Meeting Room 2 A/B
May 3, 2006	Mo`ikeha Meeting Room 2 A/B
April 19, 2006	Mo`ikeha Meeting Room 2 A/B
April 5, 2006	Mo`ikeha Meeting Room 2 A/B
March 20, 2006	Mo`ikeha Meeting Room 2 A/B
March 14, 2006	Council Chambers @ 3:30 pm Special Meeting
March 6, 2006	Mo`ikeha Meeting Room 2 A/B
February 22, 2006	Mo`ikeha Meeting Room 2 A/B
February 6, 2006	Mo`ikeha Meeting Room 2 A/B
January 23, 2006	Mo`ikeha Meeting Room 2 A/B
January 9, 2006	Mo`ikeha Meeting Room 2 A/B



### 2006 Community Informational Meetings (meetings start at 6:30 pm)

April 24, 2006 Informational Meeting @ Kapa'a Middle School  
April 12, 2006 Informational Meeting @ Hanapēpē Neighborhood Center  
April 3, 2006 Informational Meeting @ Kīlauea Neighborhood Center

October 4, 2006 Informational Meeting @ Kīlauea Neighborhood Center,  
October 12, 2006 Informational Meeting @ Hanapēpē Neighborhood Center  
October 18, 2006 Informational Meeting @ Lihue, Mo`ikeha Meeting Room 2A/B  
October 23, 2006 Informational Meeting @ Kapa'a Middle School Cafeteria

### 2005 Meeting Dates (meetings start at 4:30 pm unless otherwise stated)

December 12, 2005	Council Chambers @ 2:30 pm Special Meeting
December 7, 2005	Mo`ikeha Meeting Room 2 A/B
November 23, 2005	Mo`ikeha Meeting Room 2 A/B
November 14, 2005	Mo`ikeha Meeting Room 2 A/B Special Meeting
October 26, 2005	Mo`ikeha Meeting Room 2 A/B
October 12, 2005	Mo`ikeha Meeting Room 2 A/B
September 28, 2005	Mo`ikeha Meeting Room 2 A/B
September 14, 2005	Mo`ikeha Meeting Room 2 A/B
August 31, 2005	Mo`ikeha Meeting Room 2 A/B
August 17, 2005	Mo`ikeha Meeting Room 2 A/B
August 3, 2005	Mo`ikeha Meeting Room 2 A/B
August 3, 2005	Mo`ikeha Meeting Room 2 A/B Public Hearing
July 20, 2006	Mo`ikeha Meeting Room 2 A/B
July 6, 2005	Mo`ikeha Meeting Room 2 A/B
June 8, 2005	Mo`ikeha Meeting Room 2 A/B
June 1, 2005	Mo`ikeha Meeting Room 2 A/B
May 25, 2005	Council Chambers
May 4, 2005	Piikoi Conference Room A/B
April 20, 2005	Mo`ikeha Meeting Room 2 A/B
April 6, 2005	Piikoi Conference Room A/B
March 21, 2005	Council Chambers
March 7, 2005	Mo`ikeha Meeting Room 2 A/B
February 24, 2005	Mo`ikeha Meeting Room 2 A/B

### 2004 Meeting Dates

July 26, 2004	Liquor Commission Meeting Room 3
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## **2006 Meetings**

County of Kaua'i (COK) Department Heads, Boards & Commissions on Agenda and Members of the Public on the Agenda and Members of the Public who provided comments

November 13 2006, Departments Heads on agenda  
None

Members of the Public who provided comments

1. Richard Stauber

October 2, 2006, Departments Heads on agenda

1. Peter Nakamura, County Clerk

Members of the Public who provided comments

1. Richard Stauber

September 18, 2006, Departments Heads on agenda

1. Peter Nakamura, County Clerk

Members of the Public who provided comments

1. Richard Stauber

September 6, 2006, Departments Heads on agenda

1. Peter Nakamura, County Clerk

Members of the Public who provided comments

None

August 21, 2006, Departments Heads on agenda

1. Peter Nakamura, County Clerk

Members of the Public who provided comments

1. Richard Stauber
2. Rodolfo Orgega

August 9, 2006, Departments Heads on agenda

None

Members of the Public who provided comments

1. Ken Taylor
2. Richard Stauber

August 7, 2006, Departments Heads on agenda

None

Members of the Public who provided comments

1. Richard Stauber
2. Ken Taylor

August 3, 2006, Departments Heads on agenda  
None

Members of the Public who provided comments

1. Richard Stauber
2. Ken Taylor

August 2, 2006, Departments Heads on agenda  
None

Members of the Public who provided comments

1. Richard Stauber
2. Ken Taylor

July 31, 2006, Departments Heads on agenda  
1. Peter Nakamura, County Clerk

Members of the Public who provided comments

1. Richard Stauber
2. Ken Taylor

July 26, 2006, Departments Heads on agenda  
None

Members of the Public who provided comments

1. Richard Stauber
2. Phyllis Stoessel

July 24, 2006, Members of the Public on agenda  
1. Janee Marie Taylor

Members of the Public who provided comments

1. Rupert Rowe
2. Ken Taylor
3. Terrie Hayes
4. James Kimakeo
5. Karma Lee Knudsen
6. Richard Stauber
7. Horace Stoessel
8. Ann Panoho

July 19, 2006, Department Heads on agenda

None

Members of the Public who provided comments

1. Ed Coll
2. Richard Stauber
3. Carol Bain
4. Horace Stoessel
5. Phyllis Stoessel
6. Glenn Mickens

July 17, 2006, Department Heads and Members of the Public on agenda

1. Christina Pilkington, ADA Coordinator
2. Janee Marie Taylor

Members of the Public who provided comments

1. Rupert Rowe
2. Phyllis Stoessel
3. Carol Bain
4. Ken Taylor
5. Richard Stauber
6. Glenn Mickens
7. Bruce Pleas
8. Ed Coll

July 12, 2006, Department Heads on agenda

None

Members of the Public who provided comments

1. Ken Taylor

July 10, 2006, Department Heads on agenda

None

Members of the Public who provided comments

1. Walter Lewis
2. Council Member Jay Furfaro
3. Ed Coll
4. Glenn Mickens
5. Richard Stauber

July 3, 2006, Department Heads on agenda

1. Eric Knutzen, Information Technology Manager

Members of the Public who provided comments

1. Janee Marie Taylor
2. Richard Stauber
3. Glenn Mickens

June 28, 2006, Department Heads on agenda

None

Members of the Public who provided comments

None

June 26, 2006, Department Heads on agenda

1. Donald Fujimoto, County Engineer

Members of the Public who provided comments

1. Chick Lamphier
2. Richard Stauber
3. Ken Taylor

June 19, 2006, Department Heads on agenda

None

Members of the Public who provided comments

1. Richard Stauber
2. Phyllis Stoessel
3. Cheryl Lovell-Obatake
4. Glenn Mickens
5. Ken Taylor
6. Donald Kagawa

June 14, 2006, Department Heads and Members of the Public on agenda

1. Mike Tresler, Director of Finance
2. Carol Bain, League of Women Voters
3. Walter Lewis

Members of the Public who provided comments

1. Barbara Bennett
2. Ed Coll
3. Richard Stauber
4. Glenn Mickens

June 5, 2006, Department Heads and Members of the Public on agenda  
None

Members of the Public who provided comments  
None

May 31, 2006, Department Heads and Members of the Public on agenda  
1. Mike Tresler, Director of Finance (not able to attend)  
2. Mel Nishihara, Parks Administrator  
3. Walter Lewis

Members of the Public who provided comments  
1. Ed Coll  
2. Glenn Mickens  
3. Carol Bain, League of Women Voters

May 22, 2006, Department Heads and Members of the Public on agenda  
  
None

Members of the Public who provided comments  
1. Carol Bain  
2. Richard Stauber  
3. Glenn Mickens  
4. Ken Taylor

May 17, 2006, Department Heads and Members of the Public on agenda  
1. Mike Tresler, Director of Finance  
2. Mel Nishihara, Parks Administrator  
3. Jay Furfaro, Council Member

Members of the Public who provided comments  
1. Walter Lewis

May 3, 2006, Department Heads and Members of the Public on agenda  
1. Mel Nishihara, Parks Administrator  
2. Gary Heu, Administrative Assistance, Office of the Mayor

Members of the Public who provided comments  
1. Phyllis Stoessel  
2. Horace Stoessel  
3. Richard Stauber

April 19, 2006, Department Heads and Members of the Public on agenda

1. Mel Nishihara, Parks Administrator

Members of the Public who provided comments

1. Bruce Pleas
2. Richard Stauber

April 5, 2006, Department Heads and Members of the Public on agenda

1. Mel Nishihara, Parks Administrator (not able to attend)
2. Mike Tresler, Director of Finance
3. Bernard Carvalho, Director of Offices of Community Assistance
4. Walter Lewis
5. Horace Stoessel

Members of the Public who provided comments

1. Ken Taylor
2. Richard Stauber
3. Horace Stoessel
4. Glenn Mickens

March 20, 2006, Department Heads and Members of the Public on agenda

1. Rupert Rowe

Members of the Public who provided comments

1. Cheryl Lovell-Obatake
2. Glenn Mickens
3. Richard Stauber
4. Hoarce Stoessel
5. Phyllis Stoessel

March 14, 2006, Department Heads and Members of the Public on agenda

None

Members of the Public who provided comments

1. Richard Stauber
2. Glenn Mickens
3. Horace Stoessel
4. Phyllis Stoessel
5. Ernie Pasion, Deputy County Clerk

March 6, 2006, Department Heads and Members of the Public on agenda

1. Bernard Carvalho, Director of Office of Community Assistance
2. Fred Wells
3. Mel Nishihara, Parks Administrator

Members of the Public who provided comments

1. Lynn McCrory
2. Steve Kyono
3. Myles Shibata
4. Ed Tscupp
5. Glenn Mickens
6. Richard Stauber
7. Horace Stoessel

February 22, 2006, Department Heads and Members of the Public on agenda

1. Stacy Rogers, Professor at the University of Hawai'i
2. Walter Lewis
3. Horace Stoessel
4. Mel Nishihara, Parks Administrator

Members of the Public who provided comments

1. Rupert Rowe
2. Phyllis Stoessel
3. Richard Stauber

February 6, 2006, Department Heads and Members of the Public on agenda

1. Phyllis Stoessel
2. Walter Lewis
3. Pat Hunter-Williams

Members of the Public who provided comments

1. Glenn Mickens
2. Richard Stauber
3. Cheryl Lovell-Obatake



January 23, 2006, Department Heads and Members of the Public on agenda,

1. Mel Nishihara, Parks Administrator
2. Cindy Duterte, Executive on Recreation
3. Walter Lewis
4. Pat Hunter-Williams

Members of the Public who provided comments

1. Carol Bain
2. Phyllis Stoessel
3. Glenn Mickens
4. Richard Stauber
5. Ed Coll

January 9, 2006, Department Heads and Members of the Public on agenda,

None

Members of the Public who provided comments

1. Jay Furfaro, Council Member
2. Horace Stoessel
3. Glenn Mickens
4. Richard Stauber

**2006 Community Informational Meetings** (meetings start at 6:30 pm)

October 4, 2006 Informational Meeting @ Kīlauea Neighborhood Center

Members of the Public who provided comments

None

October 12, 2006 Informational Meeting @ Hanapēpē Neighborhood Center

Members of the Public who provided comments

1. Lionel Medeiros
2. Mary Stone
3. Mary Neudorffer

October 18, 2006 Informational Meeting @ Lihue, Mo`ikeha Meeting Room 2A/B

Members of the Public who provided comments

1. Richard Stauber

October 23, 2006 Informational Meeting @ Kapa`a Middle School Cafeteria

Members of the Public who provided comments

1. Richard Stauber
2. Glenn Mickens
3. Alice Parker
4. Marge Freeman
5. Phyllis Stoessel
6. Larry Fillhart

April 24, 2006 Informational Meeting @ Kapa`a Middle School

Members of the Public who provided comments

1. Ken Taylor
2. Mike Wells
3. Josephine Sokei
4. Ron Sakoka
5. Tore Wistrom
6. Mike Wells
7. Marge Freeman
8. Larry Arruda
9. Marj Dente
10. Glenn Mickens
11. Ed Coll
12. Carol Bain
13. Phyllis Stoessel
14. Sid Jackson

15. Lorna Nishimitsu
16. Rick Cooper
17. Carl Imparato
18. Jimmy Trujillo
19. Fred Wells

April 12, 2006 Informational Meeting @ Hanapēpē Neighborhood Center

Members of the Public who provided comments

1. Bruce Pleas
2. Ernie Moniz
3. Gerry Arruda
4. Kathleen West-Hurd

April 3, 2006 Informational Meeting @ Kīlauea Neighborhood Center

Members of the Public who provided comments

1. Lynn McCrory
2. Carl Berg
3. Donna Schulze
4. Arnold Nurock
5. Neil Clendeninn
6. Claire Mortimer
7. Don McConnell
8. Jolly Bodine
9. Donald Bodine
10. Walter Lewis
11. JoAnn Yukimura
12. Mike Dyer
13. Beryl Blaich
14. Bert Lyon
15. Makaala Kaaumoana
16. Murray Hudson

**2005 Meetings** County of Kaua'i (COK) Department Heads, Boards & Commissions on Agenda and Members of the Public on the Agenda and Members of the Public who provided comments

December 12, 2005 – Special Meeting

1. Kem Lowry, Professor of Urban & Regional Planning, University of Hawai'i at Mānoa

Members of the Public who provided comments:

1. Glenn Mickens
2. Richard Stauber
3. Dr. Ray Chuan
4. Horace Stoessel
5. Jack Lundgren

December 7, 2005, Departments Heads on agenda

1. Peter Nakamura, County Clerk
2. Kaipo Asing, Council Chair

Members of the Public who provided comments:

1. Horace Stoessel
2. Walter Lewis
3. Glenn Mickens
4. Richard Stauber
5. Barbara Elmore
6. Ernie Pasion (participated as public witness)

November 23, 2005, Members of the Public on agenda:

1. Carol Bain, League of Women Voters
2. Ed Coll

Members of the Public who provided comments:

1. Ernie Pasion, County Clerk
2. Horace Stoessel
3. Glenn Mickens

November 14, 2005 – Special Meeting

1. Kem Lowry, Professor of Urban and Regional Planning,  
Department of Urban & Regional Planning, University of Hawai'i  
Manoa

Members of the Public who provided comments:

1. Glenn Mickens
2. Richard Stauber

October 26, 2005, Department Heads & the Public on agenda:

1. Ian Costa, Planning Director, Kaua'i Planning Department
2. Pat Hunter-Williams, Member, Kaua'i County Commission on the Status of Women
3. Carole Bain
4. Ed Coll

Members of the Public who provided comments:

1. Suzanne Pearson
2. Barbara Elmore
3. Horace Stoessel
4. Glenn Mickens
5. Phyllis Stoessel

October 12, 2005, Department Heads & the Public on agenda:

1. Mike Ching, Chair Police Commission
2. Chief K. C. Lum, Police Department
3. Dave Helela, Chair, Kaua'i Historical Preservation Review Commission
4. Pat Hunter-Williams, Member, Kaua'i County Commission on the Status of Women
5. Walter Lewis
6. Glenn Mickens
7. Dr. Ray Chuan
8. Barbara Elmore

Present:

1. Rick Tsuchiya, Planner
2. Pat Griffin, Member of KHPRC
3. Carol Furtado, Vice Chair of the Police Commission

Members of the Public who provided comments:

1. Richard Stauber
2. Horace Stoessel

September 28, 2005, Departments Heads on agenda:

1. Gary Heu, Administrative Assistant, Mayor's Office, COK
2. Bernard Carvalho, Director of Office of Community Assistance, COK and OCA Staff
3. Rick Haviland, Chair of the Civil Service Commission, COK
4. Malcolm Fernandez, Personnel Director

Members of the Public who provided comments:

1. Richard Stauber
2. Horace Stoessel
3. Glenn Mickens

September 14, 2005, Department Heads present

1. Mike Tresler, Director of Finance

2. Miles Tone, Finance Department Staff
3. John Isobe, Deputy Finance Director
4. Eric Knutzen, Information Technology
5. David Spanski, Treasurer
6. Mark Marshall, Civil Defense Administrator
7. Eric Honma, Liquor Control Director
8. Shirley Akita, Liquor Control Commission

Members of the Public who provided comments:

1. Horace Stoessel
2. Richard Stauber
3. Glenn Mickens
4. Barbara Elmore
5. Phyllis Stoessel

August 17, 2005, Departments Heads on agenda:

1. Doug Haigh, Chief of Buildings, Building Division
2. Steve Weinstein, Chair, COK Planning Commission
3. Myles Hironaka, Deputy Planning Director, Planning Department

Members of the Public who provided comments:

1. Glenn Mickens, public witness
2. Cheryl Lovell-Obatake, public witness
3. Rick Tsuchiya, Planner
4. Phyllis Stoessel
5. Mahealani Silva
6. Barbara Elmore
7. Rupert Rowe
8. Horace Stoessel

August 31, 2005, Departments Heads on agenda:

1. Ed Tschupp, Manager and chief Engineer, Department of Water, COK
2. Craig De Costa, Prosecuting Attorney, COK
3. Beth Tokioka, Director, Office of Economic Development, COK

Members of the Public who provided comments:

1. Dr. Ray Chuan, public witness
2. Horace Stoessel
3. Phyllis Stoessel
4. Glenn Mickens
5. Richard Stauber
6. Carol Bain

August 3, 2005, Boards and Commissions and Public Members on agenda

1. Beryl Blaich, Chair of Kaua'i Open Access, Open Space & Natural Resources Preservation Fund Commission
2. Walter Lewis

Members of the Public who provided comments:

1. Phyllis Stoessel
2. Glenn Mickens
3. Walter Lewis
4. Dr. Ray Chuan
5. Carol Bain
6. Richard Stauber
7. Horace Stoessel

August 3, 2005 – Public Hearing

Members of the Public who provided comments:

1. Richard Stauber

July 20, 2005, Department Heads on agenda:

1. Donald Fujimoto, County Engineer

Members of the Public who provided comments:

1. Richard Stauber
2. Glenn Mickens
3. Horace Stoessel
4. Carol Bain

July 6, 2005, Department Heads on agenda:

1. Bill Clifford, Board of Ethics Commissioner
2. Kealoha Takahashi, Executive on Aging, Agency on Elderly Affairs
3. Laverne Bessert, Board of Review Chair

Members of the Public who provided comments:

1. Richard Stauber
2. Glenn Mickens
3. Horace Stoessel

June 8, 2005, Department Heads on agenda:

1. Chief K. C. Lum, Kaua'i Police Department
2. Mike Ching, Police Commission Chair

Present:

1. Carol Furtado, Police Commission Vice Chair
2. Leon Gonsalves, Police Commissioner
3. Ron Venneman, Deputy Policy Chief

Members of the Public who provided comments:

1. Richard Stauber

2. Glenn Mickens
3. Jonathan Landry
4. Horace Stoessel

June 1, 2005, Department heads on agenda:

1. Chief Robert Westerman, Kauai County Fire Department
2. Mr. Edward Tschupp, Kauai County Manager and Chief Engineer
3. Ms. Bernie Sakoda, Board of Water Chair

Present:

Lani Nakazawa, County Attorney

Members of the Public who provided comments:

1. Richard Stauber
2. Phyllis Stoessel
3. Glenn Mickens

May 25, 2005, Department Heads & Councilmembers on Agenda

1. Lani Nakazawa, County Attorney
2. Kaipo Asing, County Chair
3. JoAnn Yukimura, Councilmember
4. Shaylene Iseri-Carvalho, Councilmember
5. Jay Furfaro, Councilmember

Members of the Public who provided comments:

1. Christina Pilkington, ADA Coordinator
2. Glenn Mickens
3. Horace Stoessel
4. Richard Stauber

May 4, 2005, Department heads on agenda

1. Mayor Bryan J. Baptiste
2. Michael Tresler, Director of Finance
3. Lani Nakazawa, County Attorney

Members of the Public who provided comments:

1. Richard Stauber
2. Horace Stoessel



April 20, 2005, Department Heads on agenda

1. Lani Nakazawa, County Attorney

Members of the Public who provided comments:

1. Peter Nakamura, County Clerk
2. Glenn Mickens
3. Richard Stauber
4. Horace Stoessel

April 6, 2005, Department Heads on agenda

1. Mayor Bryan J. Baptiste
2. Lani Nakazawa, County Attorney

Members of the Public who provided comments:

1. Richard Stauber
2. Ray Chuan
3. Horace Stoessel

March 21, 2005, Department Heads on agenda

1. Lani Nakazawa, County Attorney

Members of the Public who provided comments:

1. Peter Nakamura, County Clerk
2. John Isobe, Deputy Finance Director
3. Bruce Pleas
4. Glenn Mickens
5. Ray Chuan
6. Richard Stauber
7. Horace Stoessel

March 7, 2005, Department Heads on agenda

None

Members of the Public who provided comments:

1. Glenn Mickens
2. Bruce Pleas
3. Horace Stoessel
4. Phyllis Stoessel
5. Carol Bain

February 24, 2005, Departments Heads on agenda

None Listed. This was an Orientation meeting and Swear in of new members

Department heads present:

1. Mayor Bryan J. Baptiste
2. Ernie Pasion, Deputy County Clerk

Members of the Public who provided comments:

1. Bruce Pleas
2. Horace Stoessel
3. Carol Bain
4. Richard Stauber

### **2004 Meetings**

County of Kaua'i (COK) Department Heads, Boards & Commissions on Agenda and Members of the Public on the Agenda and Members of the Public who provided comments

July 26, 2004, Departments Heads on agenda

None

Department Heads present:

1. Mayor Bryan J. Baptiste
2. Ernie Pasion, Deputy County Clerk

Members of the Public who provided written comments

1. Horace Stoessel

# **ATTACHMENT E**

## **List of 70 Proposed Amendments**

**CHARTER COMMISSION**  
**Summary & Status of Possible Charter Amendments**  
**DRAFT for 7-3-06 meeting**  
*(revised as of 6-26-06 meeting)*

This Summary & Status list includes the following items:

- A. Policy Items: for Commission Action/Discussion (as of 6-26-06)
- B. Special Counsel: For Research by Special Counsel (as of 6-26-06)
- C. Special Counsel: For Discussion with Special Counsel (as of 6-26-06)
- D. Amendments that did not move forward (as of 6-26-06)
- E. Possible Amendments from Correspondence of 5-3-06 Meeting
- F. Possible Amendments from Correspondence of 5-17-06 Meeting
- G. Items remaining from 12-12-05 Facilitated Meeting [all items disposed of 6-26]

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**A. Policy Items (Commission Action/Discussion)**

- 1. Should there be a term limit for the Council? (Approved 6/26: Term limit of 8 consecutive years)
- 2. Should there be districts for the Council? (Approved 6/26: 3 districts following State House boundaries, with 4 at-large)
- 3. Must a candidate be a resident of the District? (Approved 6/26)
- 4. Can only residents in the district vote for the candidate seeking to represent the district? (Approved 6/26)
- 8. If Council members have a conflict of interest must they recuse themselves from debate and voting on a measure? (Approved 6/26)
- 11. Shall the Salary Commission recommendations for department heads and County Council members be effective unless vetoed by 5 members of the Council? (Approved 6/26)  
(Includes items 41 – 46) Actions:
  - 1. Repeal existing Article 29.
  - 2. Add new Article 29 as recommended by Salary Commission, as revised by recommendations from Horace Stoessel. Note: Also revise 3 other articles to conform with new Article 29.
- 12. Shall there be an Office of Commissions and Boards administrator? (vote 7/3)
- 13. Shall all Boards & Commissions consist of a minimum of 7 members, excluding ex-officio members? (Approved 6/26)
- 14. Shall all Boards & Commissions have staggered terms? (Approved 6/26)
- 15. Shall all members of Boards & Commissions be appointed by the Mayor and approved by the Council? (Approved 6/26)
- 17. Shall a new Fire Commission be created with appropriate duties & responsibilities including the authority to hire & fire the Chief? (vote 7/3 or 7/10)
- 18. Shall the Charter Commission be a permanent Commission with 7 members serving staggered terms appointed by the Mayor & approved by the Council? (vote 7/3)

19. Shall there be a new Parks & Recreation Department? (vote 6/28)
20. Shall the licensing requirement for the County Engineer be removed? (Approved 6/26)
23. Shall signature requirements involving initiative and referendum be reduced from 20% to 5%? (Approved 6/26)
24. Shall the number of the signatures requirement for recall be reduced from 20% to 5%? (Approved 6/26)
49. The County of Kaua'i shall oversee PEG (Public, Education, and Government) access in the County of Kaua'i (Ref: 5-3-06 Communication 8-q, Coll) (vote 7/10)
50. Abolish the Cost Control Commission (Ref: 5-3-06 Communication 8-r, Love). (vote 7/3)
60. All Department heads shall appoint their own deputy/deputies (12-12-05 meeting). (Revised language 6/26) (vote 7/3)
64. Mayor: change title of Administrative Assistant to Chief of Staff (12-12-05 meeting). (Reference July 22, 2004 memo from Mayor Bryan Baptiste). (Revised language 6/26) (vote 7/3)
70. Elections: Section 1.03 needs corrections (12-12-05). (Approved 6/26. Special Counsel to clarify and check for consistency with other above amendments)

**B. Special Counsel: For Research by Special Counsel**

10. Shall all County public records be published on the County's website? (vote 7/10)
28. The provisions in Section 22.02 of the Charter specifying limits on the subjects for initiative and referendum petitions shall be repealed. (vote 7/3)
33. Any sanctions issued by the Board of Ethics for violation of the Charter must be determined by a court after consideration of the evidence and in accordance with proceedings applicable to criminal trials. (vote 6/28)
40. Employees and officers of the State or County **shall not** be eligible to serve on any boards or commissions (Article XXIII, Sec 23.02 Part i). (vote 6/28)

**C. Special Counsel: For Discussion with Special Counsel**

26. Shall there be a County Manager form of government? (vote 7/3)
32. The duties of the Council and the Mayor should be stated. (vote 7/10)

**D. Amendments that did not move forward**

5. Should there be limitations on who can vote for a Council candidate at large? (5-3-06 meeting)
6. Shall Council members be required to serve full time? (5-22-06 meeting)
7. Should salaries of Council members be fairly increased in the event Council members must serve full time? (5-3-06 meeting)
9. Shall County be required to request that State Auditor perform an audit? (5-3-06 meeting)
16. Change name, responsibility and authority of the Cost Control

- Commission to Revenue & Cost Control Commission with necessary changes to authority of the Commission? (5-22-06 meeting)
21. Shall there be spending limits for the Kaua'i County operating budget? (Failed/did not move forward 6/26)
  22. Shall there be a Real Property Tax Department? (5-3-06 meeting)
  25. Shall all material requirements for citizen-initiated petitions to be placed on the ballot be specified in the Charter? (5-22-06 meeting)
  27. Shall the County Attorney be elected for a term of 4 years? (5-22-06 meeting)
  29. The recall petitions shall also include persons elected for two year terms. (5-3-06 meeting)
  30. Petitions for impeachment of an officer shall state the impeachable offense believed to have occurred, shall require signatures of 100 persons and shall be filed with the Board of Ethics. (5-3-06 meeting)
  31. The Board of Ethics shall be authorized as necessary to hear allegations of impeachable offenses and if any are found to have occurred to file impeachment charges in court. (5-3-06 meeting)
  34. The Planning Commission should be by district, not profession, be either part or full time and be paid a salary. (5-3-06 meeting)
  35. The Planning Commission should meet weekly like the Council. (5-3-06 meeting)
  36. The Kauai Historical Preservation Review Commission should be given the same status and powers as the Planning Commission, be renamed the Kauai Historical Preservation Commission with all agenda items that go through the Planning Commission going through the Historical Planning Commission first. (5-3-06)
  37. All Council and Commission meetings should be limited to 8 hours with a 1 hour food break and any outstanding agenda items would be continued to the next day. (5-3-06 meeting)
  38. Consider having all Department Heads appointed by the Mayor and approved by the Council. (5-3-06 meeting)
  39. The Liquor Commission should be appointed by the Mayor and approved by the Council. (5-3-06 meeting)
  47. Shall the Planning Director be an elected position? (5-22-06 meeting)
  48. The Planning Commission should be elected (Ref: 5-3-06 Communication 8-j, Walker).
  51. One member of each board and commission should be appointed by each council member (Ref: 5-3-06, Communication 8-s, Imperato).
  54. Create a Department of Community Assistance (12-12-05 meeting)
  55. Employment Contracts (for some or all department heads with terms of employment (12-12-05 meeting).
  56. Change title of County Engineer to Director of Public Works (12-12-05 meeting)
  57. Appointment of Department Heads (to commissions to appoint) (12-12-05 meeting)
  58. Annual Budget Process ("managed" competition (Mayor & Council) in providing county services) (12-12-05 meeting).
  59. Create an Information Technology Department (12-12-05 meeting).

- 61. Planning Department: Review Planning Commission appointment process (12-12-05 meeting).
- 62. Ethics: See proposals made by Board of Ethics re: contracts (12-12-05 meeting).  
(Failed 6/26 meeting)

62a) BOE Proposal #1

Article XX Code of Ethics, Section 20.02, Paragraph C

Acquire financial interest in business enterprises which he may be directly involved in official action to be taken by him, his department, agency, commission or the county council.

62b) BOE Proposal #2

The purpose of this change to the Charter is to make sure that in a situation where an officer or employee, if the amount is more than \$500.00, are competing on a fair and equitable basis with the private sector. We've had situations in the past where it appears that the bidding process has been compromised by some individuals having knowledge of other bids before they have placed their bid with the County.

Article XX Code of Ethics, Section 20.03 Contracts, Paragraph A

The county shall not enter into any contract with [an] the officer or employee or with a firm in which an officer or employee has [a substantial interest] an interest involving services or property of a value in excess of \$500.00 unless the contract is [made after competitive bidding] being submitted as part of the competitive bidding process.

62c) BOE Proposal #3

Article XX Code of Ethics, Section 20.04, Paragraph B (last sentence)

...No appointed officer or employee shall participate, discuss or vote on such pending matter unless his vote is required to establish a quorum to act on such matter. [provided that a member of the council is not precluded from voting on such matter so long as written disclosure has been made in the event there is a conflict of interest relating to such matter.]

62d) BOE Proposal #4

Applies to Article XI Police Department, Section 11.04 Chief of Police

The chief of police shall be appointed by the [police commission] mayor and council on recommendation from the police commission. He may be removed [by the police commission] on recommendation of the police commission by the mayor and council only after being given a written

statement of the charges against him and a hearing before the commission.

62e) BOE Proposal #5

Article XXIII General Provisions, Section 23.02 Boards and Commissions, Paragraph A

All boards and commissions shall consist of at least five members and a public notice shall declare each board or commission vacancy for voter application.

62f) BOE Proposal #6

Article XX Code of Ethics, Section 20.05 Board of Ethics, Paragraph D (2)

To render advisory opinions or interpretations with respect to application of the code on request. All requests for advisory opinions shall be answered within thirty (30) days of its [filing] receipt by the Board and failure to submit an advisory opinion within said thirty (30) days shall be deemed a finding of no breach of the code.

63. Mayor: clarify salary amount of mayor (12-12-05 meeting).

65. Prosecuting Attorney: recommendations re: Grand Jury (12-12-05 meeting).

66. Department of Water: reword the section (12-12-05 meeting) (Failed 6/26. Possible referral to Council)

Sec. 17.03B: This existing Charter provision Charter provision is imprecise and could be better worded to accurately reflect the Department's role vis-à-vis the requirements of State statute and County ordinances. To explain, under Haw. Rev. Stat. ("H.R.S.") §174C-31 each county within the State is required to prepare and adopt by ordinance a water use and development plan.

In furtherance of this mandate, the County Council adopted Kaua'i County Code "K.C.C.") Sec. 11B-2.3, which states that:

The "Kaua'i Water Use and Development Plan" and "Executive Summary" dated February 1990 is incorporated herein by reference, and is hereby adopted."

Further, K.C.C. Sec. 11B-2.2 state that, "The Department of Water shall be responsible for the preparation and maintenance of the Kaua'i county water use and development plan."



As such, the attached amendment to Sec. 17.03B more accurately describes the Department's role within this framework of state and county law and, in general, clarifies existing Charter language.

- 66a) Sec. 17.03C: The existing reference in this section to Chapter 145-A Revised Laws of Hawai'i (1955) is outdated and has been superceded by more recent enactments to the Hawai'i Revised Statutes.

- 66b) Kauai County Water Department---Article XV11, Section 17.03.

Since there is nothing in Article XV11 mandating that the Department of Water have a reserve fund to upgrade their deteriorating water lines. Recommend that an amendment be added to 17.03 stating that a lock box, set aside fund be added to this section. (Reference June 2, 2005 email from Glenn Mickens)

67. Department of Water: consolidate Water and Waste Water divisions (12-12-05 meeting).

68. Personnel Services: recommendations from Commission (12-12-05 meeting). (Failed 6/26. Possible referral to Council)

- 68a) Section 15.03. Powers and Duties. The civil service commission shall:

A. ~~[Adopt rules and regulations to carry out the civil service and compensation laws of the State and county. Such rules and regulations shall distinguish between matters of policy left for the determination of the commission and matters of technique and administration to be left for execution by the director.]~~

~~[B.]~~ Hear and determine appeals made by any officer or employee aggrieved by any action of the director or by any appointing authority. Appeal from the decision of the commission shall be as provided by law.

~~[C.]~~B. Advise the mayor and director of personnel services on problems concerning personnel and classification administration.

~~[D.]~~C. Execute such other powers and duties as may be provided by law.

- 68b) Section 15.04. Director of Personnel Services. The director of personnel services shall have had a minimum five years of training and experience in personnel administration either in public service or private business, or both, at least three years of which shall have been in a responsible administrative capacity and shall be in sympathy with the principles of the merit system. He shall be appointed and may be removed by the commission. ~~[The director shall be the head of the department of personnel services and shall be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the personnel program prescribed in this charter and in the ordinances and regulations authorized by this charter.]~~

68c) ~~Section 15.05. [Civil Service and Exemptions. All positions in the county, except those exempted by law, shall be under civil service.] Powers and Duties. The director shall:~~

A. Be the administrative head of the department of personnel services.

B. Adopt rules and regulations to carry out the public employees and civil service laws of the State and county. Such rules and regulations shall distinguish between matters of policy and matters of technique and administration to be left for determination of and execution by the director.

C. Be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the personnel program prescribed in this charter and in the ordinances and regulations authorized by this charter.

68d) Section 15.06 Civil Service and Exemptions. All positions in the county, except

those exempted by law, shall be under the civil service. The director shall determine the applicability of this section of the charter to specific employment or services in the executive branch. The provisions of this chapter of the charter shall apply to all positions in the service of the legislative branch, except those exempted by law.

69. Personnel Services: change name to Human Resources (12-12-05 meeting).

**E. Possible Amendments from Correspondence of 5-3-06 Meeting**

52. [Clarify unspecified ambiguities in the Article XX, Ethics] (Ref. 5-3-06 Communication 8-v, Lewis) (vote 6/26, deferred to 6/28)

**F. Possible Amendments from Correspondence of 5-17-06 Meeting**

53. New charter section to address the enforcement of the charter sections with a particular subsection that would allow the reimbursement of reasonable attorney fees for the members of the public [see sample language in correspondence] (Ref: 5-17-06 Communication 10f, Stauber). (vote 7/3)

**G. Items Remaining from 12-12-05 Facilitated Meeting**

[All items in Section G disposed of at meeting of 6-26-06]

# **ATTACHMENT F**

## **List of 27 Proposed Amendments**

## **CHARTER COMMISSION**

### **Possible Charter Amendments**

As of Meeting of 3-20-06

1. Should there be a term limit for the Council?
2. Should there be districts for the Council?
3. Must a candidate be a resident of the District?
4. Can only residents in the district vote for the candidate seeking to represent the district?
5. Should there be limitations on who can vote for a Council candidate at large?
6. Shall Council members be required to serve full time?
7. Should salaries of Council members be fairly increased in the event Council members must serve full time?
8. If Council members have a conflict of interest must they recuse themselves from debate and voting on a measure?
9. Shall County be required to request that State Auditor perform an audit?
10. Shall all County public records be published on the County's website?
11. Shall the Salary Commission recommendations for department heads and County Council members be effective unless vetoed by 5 members of the Council?
12. Shall there be an Office of Commissions and Boards administrator?
13. Shall all Boards & Commissions consist of a minimum of 7 members, excluding ex-officio members?
14. Shall all Boards & Commissions have staggered terms?
15. Shall all members of Boards & Commissions be appointed by the Mayor and approved by the Council?
16. Change name, responsibility and authority of the Cost Control Commission to Revenue & Cost Control Commission with necessary changes to authority of the Commission?
17. Shall a new Fire Commission be created with appropriate duties & responsibilities including the authority to hire & fire the Chief?
18. Shall the Charter Commission be a permanent Commission with 7 members serving staggered terms appointed by the Mayor & approved by the Council?
19. Shall there be a new Parks & Recreation Department?
20. Shall a licensing requirement for the County Engineer be removed?
21. Shall there be spending limits for the Kaua'i County operating budget?
22. Shall there be a Real Property Tax Department?
23. Shall signature requirements involving initiative and referendum be reduced from 20% to 5%?
24. Shall the number of the signatures requirement for recall be reduced from 20% to 5%?
25. Shall all material requirements for citizen-initiated petitions to be placed on the ballot be specified in the Charter?
26. Shall there be a County Manager form of government?
27. Shall the County Attorney be elected for a term of 4 years?

Original from 3-14-06 meeting. Revised at 3-20-06 meeting

# **ATTACHMENT G**

## **Final 15 Proposed Amendments: Questions and Charter Text**



# **COUNTY OF KAUA'I CHARTER COMMISSION**

## **PROPOSED CHARTER AMENDMENTS**

**August 8, 2006**  
**(Revised August 22, 2006)**

Compiled by:  
Curtis Shiramizu  
Special Counsel to the Charter Commission

(Note: Copies of the proposed charter amendments and ballot questions are available on the county's website at [www.kauai.gov](http://www.kauai.gov) and at all public libraries. For further information, contact Edie Ignacio, Staff Secretary at 241-6646, 4444 Rice Street, Suite 150, Līhu'e, Hawai'i 96766 or email [charter@kauai.gov](mailto:charter@kauai.gov).)

**PROPOSAL NO. 1: RELATING TO A NEW DEPARTMENT OF PARKS & RECREATION**

**1. Text**

**ARTICLE XXXI**  
**DEPARTMENT OF PARKS AND RECREATION**

Section 31.01. Organization. There shall be a department of parks and recreation consisting of a parks and recreation director and any necessary staff.

Section 31.02. Director. The parks and recreation director shall be appointed and may be removed by the mayor. The director shall have had a minimum of five years of experience in a responsible administrative capacity, either in public service or private business, or both, and shall be the administrative head of the department.

Section 31.03. Powers, Duties and Functions. Except as otherwise provided by law, the director of parks and recreation shall:

- A. Plan, design, construct, operate, and maintain all parks and recreational facilities of the county.
- B. Develop and implement programs for the cultural, recreational, and other leisure-time activities for the people of the county.
- C. Beautify the public parks and recreational facilities of the county.
- D. Perform such other duties as may be prescribed by the mayor or by ordinance.

*(Material to be deleted is bracketed; new material is underlined)*

**2. Ballot question**

Shall the parks and recreation function, which is currently performed by divisions of the Offices of Community Assistance and the Department of Public Works, be instead performed by a newly-created Department of Parks and Recreation?

## **PROPOSAL 2: RELATING TO TERM LIMITS FOR COUNCILMEMBERS**

### **1. Text**

“Section 3.03. Terms. The terms of office of councilmembers shall be for two years beginning at twelve o’clock meridian on the first working day of December following their election. No person shall be elected to the office of councilmember for more than four consecutive two year terms.”

*(Deleted material is bracketed; new material is underlined)*

### **2. Ballot Question**

Shall the term of office for councilmembers be limited to four consecutive elected two-year terms, beginning with the 2008 election?



## **PROPOSAL NO. 3: RELATING TO COUNCIL DISTRICTING**

### **1. Text**

“Section 3.02. Composition. There shall be a council of seven members [elected at-large]. Four members shall be elected at-large by all eligible voters in the county. Each of the other three members shall reside in and shall be elected from a separate council district by eligible voters residing in that separate council district.

.....

Section 3.04. Qualifications.

A. To be eligible for the council, a person must be a citizen of the United States and must have been a duly qualified [elector] registered voter of the county for at least two years immediately preceding his filing candidacy papers for election [or appointment]. In addition, those candidates for the council who wish to represent one of the three council districts must state which district they wish to represent and that they have been a registered voter of that district for the preceding ninety days. Should a councilmember move from, or be removed from, any of the seven council positions from which that person was elected, any replacement appointee must meet all requirements of a candidate for that position.

B. Any [councilman] councilmember who removes his residence from the county or district from which elected, or is convicted of a felony, shall immediately forfeit his office.

.....

Section 3.19. District Election and Reappointment.

A. The first election by separate council districts shall be in the primary election of 2008.

B. The year 2011 and every tenth year thereafter shall be reapportionment years.

C. An initial council apportionment commission shall be constituted on or before the first day of April, 2007. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year or whenever reapportionment is required by court order. The commission shall consist of seven members. The members of the commission shall be appointed by the mayor and confirmed by the council.

The initial council apportionment commission shall be

responsible for designating the geographic boundaries of the council districts provided for above. The council reapportionment commission shall be responsible for the reapportionment and redistricting of those districts.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by the majority vote of its membership and shall establish its own procedures. No member of the commission shall be eligible to become a candidate for election or appointment to the council in the initial election held under any apportionment or reapportionment plan adopted by the commission.

The commission shall be furnished all necessary technical and secretarial services. The mayor and the council shall appropriate funds to enable the commission to carry out its duties.

D. In effecting the initial apportionment and each subsequent reapportionment, the commission shall be guided by and comply with all applicable Federal and State laws.

E. On or before February 1 of the year following appointment, the commission shall file with the county clerk an apportionment or reapportionment plan, which shall become effective upon its filing.

F. Any registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in the apportionment or reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five calendar days after the filing of the plan.

G. The commission's tenure shall end upon the filing of its plan."

*(Deleted material is bracketed; new material is underlined)*

## **2. Ballot Question**

Effective 2008, shall three of the seven council members be elected by districts, with one member residing in and elected from each of three districts that shall be established by an apportionment commission to be appointed in 2007, and four of the seven council members elected at-large, and shall 2011 and every tenth year thereafter be a reapportionment year?

## **PROPOSAL 4: RELATING TO A CHARTER COMMISSION FOR THE NEXT TEN YEARS**

### **1. Text**

“Section 24.03. Charter Review. [Five years after the adoption of the charter and at ten year intervals thereafter, the] The mayor with the approval of the council shall appoint, with appropriate staffing, a charter commission composed of seven members who shall serve in accordance with Section 23.02C of this Charter to study and review the operation of the county government under this charter for a period of ten years commencing in 2007. Thereafter, the mayor with the approval of the council shall appoint a charter commission at ten year intervals. In the event the commission deems changes are necessary or desirable, the commission may propose amendments to the existing charter or draft a new charter which shall be submitted to the county clerk. The county clerk shall provide for the submission of such amendments or new charter to the voters at any general or special election as may be determined by the commission. The commission shall publish not less than thirty (30) days before any election at least once in a newspaper of general circulation within the county the entire text of the amendments or new charter.”

*(Material to be deleted is bracketed; new material is underlined)*

### **2. Ballot Question**

Shall the Charter Commission, which is currently formed every ten years to study and review the operations of county government and propose amendments to the Charter, instead be established for a period of ten years beginning in 2007 and ending in 2017, and thereafter, revert to being formed every ten years?

## **PROPOSAL NO. 5: RELATING TO THE SALARY COMMISSION'S SALARY SETTING AUTHORITY**

### **1. Text**

Section 29.01. Organization. [The salaries of all councilmembers shall be established by an independent salary commission which shall consist of seven members. The mayor shall appoint three members, the council shall appoint three members, and the seventh member shall be appointed by the appointed six. If there is no agreement on the selection of the seventh member within forty-five days of the appointment of the sixth member, the seventh member shall be appointed by the mayor and confirmed by the council.] There shall be a Salary Commission composed of seven members to establish the salaries of all councilmembers and all officers and employees included in Section 3-2.1 of the Kauai County Code 1987, as amended.

Section 29.02. [Purpose and Duties.

A. The commission shall set salaries of councilmembers in accordance with the principles of adequate compensation for work performed, the preservation of a sensible relationship with the salaries of other county employees.

B. The commission shall review and recommend the salaries and minimum qualifications of all officers and employees included in Section 3-2.1 of the Kauai County Code 1987, as amended.] Policies. The commission shall adopt and, when it deems necessary, may change the policies governing its salary-setting decisions.

Section 29.03. [Term. The term of the commission shall be conterminous with the term of the council. The mayor and council shall make their selection within forty-five days of their inauguration.] Resolution. The commission's salary findings shall be adopted by resolution of the commission and forwarded to the mayor and the council on or before March 15. Subject to Section 29.05, the resolution shall take effect without the mayor's and council's concurrence sixty days after its adoption unless rejected by a vote of not less than five members of the council. The council may reject either the entire resolution or any portion of it. The respective appointing authority may set the salary of an appointee at a figure lower than the figure established by ordinance for the position.

Section 29.04 [Initial Commission. The initial commission shall be appointed for the term commencing December 1, 1988.]

[Section 29.05 Meetings; Rules. [The commission shall meet at least once a year to set the salaries for councilmembers and recommend the salaries for all other elected officials and employees as specified in Section 29.02 of this charter.] The commission shall establish its rules of procedures and adopt rules and regulations pursuant to law.

Section [29.06] 29.05 Changes in Salary. No change in salary of councilmembers shall be effective during the term in which a change is enacted or for twenty-four months after a change is enacted, whichever is less.

Section [29.07] 29.06 Administration and Operation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical assistance and pay other operational costs in the performance of its duties.

.....

Section 3.06 Compensation. The salary of each councilmember shall be [as established by the Salary Commission.] established in accordance with the provisions of Article XXIX of this Charter.

.....

Section 3.11 Adoption of Pay Plan. The Council by ordinance shall [fix] appropriate the salaries of all [department heads,] officers [(excluding councilmembers),] and employees who are exempt from civil service in accordance with the provisions of Section 7.05E and Article XXIX of this Charter. All other officers and employees shall be classified and paid in accordance with law.

.....

Section 5.01. Powers, Duties and Functions,

A. The council shall appoint and may remove [and shall fix the salary of] the county clerk. The salary of the county clerk shall be set pursuant to Article XXIX of this Charter.

.....

Section 7.05. Powers, Duties and Functions. The mayor shall be the chief executive officer of the county. He shall have the power to:

E. Recommend to the council for its approval a pay plan for all [department heads,] officers [(excluding councilmembers)] and employees who are exempt from civil service and the position classification plan and who are not included in Section 3-2.1 of the Kauai County Code 1987, as amended.

#### Section 7.06. Vacancy in Office

B. During the temporary absence from the county or temporary disability of the mayor, or in case of a vacancy in the office of the mayor, until a new mayor is appointed or elected, the administrative assistant shall act as mayor. In the event both the mayor and the administrative assistant are temporarily absent or disabled, the finance director shall act as mayor during said period.

(1) The mayor shall appoint and may remove an administrative assistant whose qualification shall be the same for the position of mayor. The salary for the administrative assistant shall be [fixed by ordinance] set pursuant to Article XXIX of this Charter. The administrative assistant shall serve as the mayor's principal administrative aide.

*(Material to be deleted is bracketed; new material is underlined)*

#### **2. Ballot question**

Shall the findings of the Salary Commission establishing salaries for all councilmembers and county officers and employees who are exempt from civil service become effective, unless rejected in whole or in part, by a vote of five or more members of the Council?

## **PROPOSAL NO. 6: RELATING TO THE POSITION OF BOARDS AND COMMISSIONS ADMINISTRATOR FOR ALL BOARDS AND COMMISSIONS**

### **1. Text**

#### Section 7.06. Boards and Commissions Administrator.

A. There shall be a boards and commissions administrator and any necessary staff. The administrator shall have such training, education or experience as shall qualify the administrator to perform the duties described in this section. The administrator shall be appointed and may be removed by the mayor.

B. The administrator shall assist in providing administrative and operational support to the various county boards and commissions. Such support shall include, but not be limited to: assisting in the recruitment, orientation, education, and training of board or commission members regarding their powers, duties, functions, and responsibilities under the charter, especially as such powers, duties, functions, and responsibilities may relate to the particular board or commission to which they have been appointed; helping to educate such members about applicable state and county ethics laws and the State Sunshine Law; assisting the Office of the Mayor to fill any vacancies on any board or commission; being a resource to assist the various county boards or commissions in gathering such information, documents, and data as such boards or commissions may deem necessary to perform its functions; serving as a communications liaison between boards and commissions and the various county departments, offices, and agencies that such boards and commissions may interact with, to help ensure that the various boards' or commissions' information needs are addressed in timely fashion.

C. The mayor and council shall provide an annual appropriation sufficient to provide the administrator with adequate personnel and administrative, operational, and clerical support to carry out the administrator's functions.

#### Section [7.06.] 7.07. Vacancy in Office

A. In the event of a vacancy in the office of the mayor, the council shall select, by majority vote, one of its members as mayor to serve until the next general election and assumption of office in December by the person elected mayor. The vacancy in the council shall be filled as provided for in Article III, Section 3.05 of the charter. In the event the vacancy occurs prior to the mid-term election, the person elected mayor in the general election shall serve only for the unexpired term of the mayor elected in the prior election. In the event the vacancy occurs later than three (3) days prior to the closing date for filing of nomination papers for the mid-term election, the mayor selected by the council shall continue to serve for the remainder of the term of the person he succeeded. The foregoing provisions shall also apply in the event the person elected as mayor dies before taking office.

B. During the temporary absence from the county or temporary disability of the mayor, or in case of a vacancy in the office of the mayor, until a new mayor is appointed or elected, the administrative assistant shall act as mayor. In the event both the mayor and the administrative assistant are temporarily absent or disabled, the finance director shall act as mayor during said period.

(1) The mayor shall appoint and may remove an administrative assistant whose qualification shall be the same for the position of mayor. The salary for the administrative assistant shall be fixed by ordinance. The administrative assistant shall serve as the mayor's principal administrative aide.

C. In the event the person elected as mayor dies before taking office, the person serving as administrative assistant at the termination of the prior term shall continue to serve as acting mayor until a new mayor is elected.

*(Deleted material is bracketed; new material is underlined)*

**2. Ballot question**

Shall there be a boards and commissions administrator and any necessary staff to assist in providing training, education and administrative and operational support to the various county boards and commissions?



**PROPOSAL NO. 7: RELATING TO THE NUMBER OF MEMBERS FOR ALL CHARTER BOARDS AND COMMISSIONS**

**1. Text**

Section 11.02. Police Commission. The police commission shall consist of [five] seven members appointed by the mayor with the approval of the council. The commission shall hold regular public meetings at a designated time and place.

.....

Section 15.02. Civil Service Commission Organization. The civil service commission shall consist of [five] seven members who shall be in sympathy with and who shall believe in the principles of the merit system in public employment, or the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions.

.....

Section 16.02 Liquor Control Commission. The liquor control commission shall consist of [five] seven members.

.....

Section 20.05. Board of Ethics. There shall be a board of ethics.

A. The board shall consist of [five] seven members.

.....

Section 23.02. Boards and Commissions. The council may create such other boards and commissions, not provided herein, by ordinance. All boards and commissions, including those which are specifically provided for herein, shall be organized, appointed and vested with the power and authority as provided hereunder which are not in conflict with the provisions of this charter.

A. All boards and commissions established by Charter shall consist of [five] seven members.

*(Deleted material is bracketed; new material is underlined)*

**2.     Ballot question**

Shall all boards and commissions established by Charter consist of seven members, including the Police Commission, Civil Service Commission, Liquor Commission, and the Board of Ethics?

**PROPOSAL NO. 8: RELATING TO STAGGERED TERMS FOR ALL  
CHARTER BOARDS AND COMMISSIONS**

**1. Text**

ARTICLE XXVIII  
COST CONTROL COMMISSION

.....

“[Section 28.03. Term. The term of the commission shall be coterminous with the term of the mayor. The mayor and council shall make their selection within forty-five (45) days of their inauguration.]”

ARTICLE XXIX  
SALARY COMMISSION

.....

“[Section 29.03. Term. The term of the commission shall be conterminous with the term of the council. The mayor and council shall make their selection within forty-five days of their inauguration.]”

*(Deleted material is bracketed; new material is underlined)*

**2. Ballot Question**

Shall all members of boards and commissions established by Charter serve staggered terms of three years, including the Cost Control Commission, whose members currently serve terms ending at the same time as the Mayor, and the Salary Commission, whose members currently serve terms ending at the same time as the Council?

**PROPOSAL NO. 9: RELATING TO PROCEDURES FOR APPOINTMENT OF MEMBERS TO ALL CHARTER BOARDS AND COMMISSIONS**

**1. Text**

“Section 28.01. There shall be a County Cost Control Commission composed of seven members not employed in government service. [Three of the members shall be selected by the mayor, three by the council and the seventh shall be appointed by the selected six. If there is no agreement on the selection or the seventh member within thirty (30) days of the appointments or the six members, the seventh member will be selected by the mayor.]”

“Section 29.01. Organization. The salaries of all councilmembers shall be established by an independent salary commission which shall consist of seven members. [The mayor shall appoint three members, the council shall appoint three members, and the seventh member shall be appointed by the appointed six. If there is no agreement on the selection of the seventh member within forty-five days of the appointment of the sixth member, the seventh member shall be appointed by the mayor and confirmed by the council.]”

*(Deleted material is bracketed; new material is underlined)*

**2. Ballot Question**

Shall all members of boards and commissions established by Charter be appointed by the Mayor and approved by the County Council, including the Cost Control and Salary Commissions?

## **PROPOSAL NO. 10: RELATING TO A NEW FIRE COMMISSION**

### **1. Text**

Section 12.01. Organization. There shall be a fire department consisting of a chief, a fire commission, and the necessary staff.

Section 12.02. Fire Chief. The fire chief shall be appointed and may be removed by the [mayor] fire commission. He shall have had a minimum of five years of training and experience in fire prevention and control in private industry or government service, at least three years of which shall have been in a responsible administrative capacity.

Section 12.03. Powers, Duties, and Functions. The fire chief shall be the administrative head of the fire department and shall:

A. Appoint, train, equip, supervise and discipline the personnel of the fire department in accordance with department rules and civil service regulations.

B. Provide an effective program and leadership for county-wide fire prevention, fire control and rescue operations.

C. Control, manage and account for all property in the custody of the fire department.

D. Execute such other powers and duties as may be prescribed by law or assigned by the mayor.

Section 12.04. Fire Commission. There shall be a fire commission consisting of seven members. Commission members shall be appointed by the mayor and approved by the council and be otherwise governed by the provisions of section 23.02 of the charter.

Section 12.05. Powers, Duties, and Functions of the Fire Commission. The fire commission shall:

A. Adopt rules necessary for the conduct of its business and review rules for the administration of the department.

B. Review the annual budget prepared by the fire chief and make recommendations thereon to the mayor and the council.

C. Review the department's operations, as deemed necessary, for the purpose of recommending improvements to the fire chief.

D. Evaluate at least annually the performance of the fire chief and submit a report to the mayor and the council.

E. Hear complaints of citizens concerning the department or its personnel and, if the commission deems necessary, make recommendations to the fire chief on appropriate corrective actions.

F. Submit an annual report to the mayor and the council regarding its activities.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

*(Deleted material is bracketed; new material is underlined)*

## **2. Ballot question**

Shall there be a Fire Commission consisting of seven members who shall appoint and remove the fire chief, review and make recommendations relating to the Fire Department's annual budget and operations and hear complaints of citizens concerning the department or its personnel?

**PROPOSAL NO. 11: RELATING TO CHANGES IN SIGNATURE  
REQUIREMENTS FOR CITIZEN INITIATIVE AND REFERENDUM  
PETITIONS**

**1. Text**

“22.03 C. Each initiative or each referendum petition must be signed by not less than [twenty percent (20%)] five percent (5%) of the number of eligible voters in the last preceding general election.”

*(Deleted material is bracketed; new material is underlined)*

**2. Ballot Question**

Should the requirement that each initiative or referendum petition be signed by not less than 20% of the number of eligible voters in the last general election be reduced to 5% of eligible voters?

**PROPOSAL 12: RELATING TO CHANGES IN SIGNATURE REQUIREMENTS  
FOR CITIZEN RECALL PETITIONS**

**1. Text**

“Section 27.01. Recall Procedure. Any elective officer serving a four-year term as provided for in this charter may be removed from office by the voters of the county. The procedure to effect such removal shall be in accordance with this article.

A petition demanding that the question of removing such official be submitted to the voters shall be filed with the county clerk. Such petitions shall be signed by currently registered voters numbering not less than [twenty percent (20%)] five percent (5%) of the voters registered in the last general election.”

*(Deleted material is bracketed; new material is underlined)*

**2. Ballot Question**

Shall the requirement that each recall petition be signed by not less than 20% of the voters registered in the last general election be reduced to 5%?



**PROPOSAL NO. 13: RELATING TO CONFLICT OF INTEREST OF COUNCILMEMBERS**

**1. Text**

Section 20.04. Disclosure.

.....

B. Any elected or appointed officer or employee who possesses or acquires such interest as might reasonably tend to create a conflict with his duties or authority shall make full disclosure to his appointing authority, to the council, in the case of a member of the council, or to the board or commission on which he serves at any time such conflict becomes apparent. Any member of the council or any board or commission who knows he has a direct personal financial interest in any proposal pending before the body of which he is a member shall disclose such interest to such body. No appointed officer or employee shall participate, discuss or vote on such pending matter unless his vote is required to establish a quorum to act on such matter[; provided that a member of the council is not precluded from voting on such matter so long as a written disclosure has been made in the event there is a conflict of interest relating to such matter].

*(Material to be deleted is bracketed; new material is underlined)*

**2. Ballot question**

Shall the Code of Ethics be amended to prohibit councilmembers from voting on a matter in which the councilmember has a conflict of interest unless the councilmember's participation is required for a quorum and subsequent vote?

**PROPOSAL NO. 14: RELATING TO REMOVAL OF THE LICENSING REQUIREMENT FOR THE COUNTY ENGINEER**

**1. Text**

Section 13.02. County Engineer. The county engineer shall be appointed and may be removed by the mayor [. He shall be a registered engineer] and shall have had a minimum of five years of training and experience in an engineering position, at least three years of which shall have been in a responsible administrative capacity.

*(Material to be deleted is bracketed; new material is underlined)*

**2 Ballot question**

Shall the requirement that the County Engineer be a registered engineer be removed from the Charter?

**PROPOSAL NO. 15: RELATING TO CHANGING THE TITLE OF THE  
MAYOR'S ADMINISTRATIVE ASSISTANT TO MANAGING DIRECTOR**

**1. Text**

Section 6.04. Appointment and Removal of Officers and Employees.

A. The [administrative assistant to the mayor] managing director and all department heads shall be appointed and may be removed by the mayor, except as otherwise provided by this charter.

.....

Section 7.06. Vacancy in Office

B. During the temporary absence from the county or temporary disability of the mayor, or in case of a vacancy in the office of the mayor, until a new mayor is appointed or elected, the [administrative assistant] managing director shall act as mayor. In the event both the mayor and the [administrative assistant] managing director are temporarily absent or disabled, the finance director shall act as mayor during said period.

(1) The mayor shall appoint and may remove [an administrative assistant] a managing director whose qualification shall be the same for the position of mayor. The salary for the [administrative assistant] managing director shall be fixed by ordinance. The [administrative assistant] managing director shall serve as the mayor's principal administrative aide.

C. In the event the person elected as mayor dies before taking office, the person serving as [administrative assistant] managing director at the termination of the prior term shall continue to serve as acting mayor until a new mayor is elected.

*(Material to be deleted is bracketed; new material is underlined)*

**2. Ballot question:**

Shall the title of Administrative Assistant be changed to Managing Director?

# **ATTACHMENT H**

## **Pro/Con Handout**



# **COUNTY OF KAUA'I CHARTER COMMISSION**

## **CHARTER BALLOT QUESTIONS, TEXT AND PRO/CON SHEETS**

Compiled by Curtis Shiramizu, Special Counsel  
to the Charter Commission

(Revised: August 22, 2006)

(Note: Copies of the proposed Charter amendments and ballot questions are available on the county's website at [www.kauai.gov](http://www.kauai.gov) and at all public libraries. For further information, contact Edie Ignacio, Staff Secretary at 241-6646, 4444 Rice Street, Suite 150, Līhu'e, Hawai'i 96766 or email [charter@kauai.gov](mailto:charter@kauai.gov).)

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 1</b>	Shall the parks and recreation function, which is currently performed by divisions of the Offices of Community Assistance and the Department of Public Works, be instead performed by a newly-created Department of Parks and Recreation?
<b>BACKGROUND</b>	All County parks and County recreational programs are currently administered by both the Department of Public Works and the Office of Community Assistance. As such, the Parks Division is currently a subdivision within the Public Works Department with some recreational programs being administered by the Office of Community Assistance.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, this Charter amendment would create a new and separate Department of Parks and Recreation, which would have the responsibility for maintaining and operating County parks and administering County recreational programs.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that the Parks and Recreation Department would be a new and separate department with the primary responsibility of maintaining and operating all County parks and administering County recreational programs.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that County Parks and County recreational programs will continue to be jointly administered by the Department of Public Works and the Office of Community Assistance.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Allows the new department to focus only on issues relating to County parks and recreational programs.</li> <li>• Allows for greater support from Mayor and Council in terms of financial and administrative resources being allocated and dedicated solely to County parks and recreational programs.</li> <li>• May result in County parks that are better maintained and operated and County recreational programs that are more comprehensive and adequately funded.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• The Mayor and the Council currently possess the authority and ability to adequately support and fund existing County parks and recreational programs that are administered by the existing County departments and agencies.</li> <li>• County parks and recreational programs are sufficiently funded and administered without creating a new department.</li> <li>• Additional cost and expense to create a new department, including additional personnel, equipment and funding for operations.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 2</b>	Shall the term of office for councilmembers be limited to four consecutive elected two-year terms, beginning with the 2008 general election?
<b>BACKGROUND</b>	Currently there are no term limits in place for councilmembers. Kauai is the only county in Hawaii without term limits for councilmembers.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, councilmembers elected in 2008 will be limited to four (4) consecutive elected two (2) year terms. Any term served by councilmembers prior to the 2008 election will not count towards the four (4) consecutive elected two (2) year terms elected to after the 2008 election.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that councilmembers elected in 2008 will be limited to four (4) consecutive elected two (2) year terms.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that councilmembers will be able to serve as long as they are re-elected.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Prevents councilmembers from serving more than eight (8) consecutive years.</li> <li>• Periodically allows for, as well as strengthens opportunities for new and different candidates to serve on the county council.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Prevents councilmembers who are doing a good job from being able to continue to provide valuable public service.</li> <li>• The voting public should determine how long councilmembers can serve, as opposed to establishing an arbitrary fixed time limit.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;"><b>CHARTER QUESTION 3</b></p>	<p>Effective 2008, shall three of the seven council members be elected by districts, with one member residing in and elected from each of three districts that shall be established by an apportionment commission to be appointed in 2007, and four of the seven council members elected at-large, and shall 2011 and every tenth year thereafter be a reapportionment year?</p>
<p style="text-align: center;"><b>BACKGROUND</b></p>	<p>Currently, all councilmembers are elected at-large by the voters of the County, and there are no districts. Kauai is the only county in Hawaii that does not have some form of districting for county council.</p>
<p style="text-align: center;"><b>EXPLANATION OF PROPOSED AMENDMENT</b></p>	<p>If approved, there will be three (3) district council seats, and four (4) at-large council seats. Voters will be able to vote for 4 at-large councilmembers and one councilmember for their district. A commission will be appointed to draw the district lines.</p>
<p style="text-align: center;"><b>MEANING OF A "YES" VOTE</b></p>	<p>A "Yes" vote means that there will be three (3) district council members, and four (4) at-large councilmembers.</p>
<p style="text-align: center;"><b>MEANING OF A "NO" VOTE</b></p>	<p>A "No" vote means that all seven (7) councilmembers will continue to be elected at-large.</p>
<p style="text-align: center;"><b>PROS AND CONS</b></p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Allows representation amongst all districts on the island and gives opportunity for individuals residing in the district who know local issues to serve.</li> <li>• Encourages resident candidates, popular among neighbors who know him or her best, to run for office.</li> <li>• Reduces cost of campaigning by reducing representative area and number of voters affected.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Kauai is small enough in area and population to justify the retention of all at-large council representation.</li> <li>• Districting promotes provincialism and, consequently, policies and spending that focus only on matters important to that district, versus policies and funding priorities that have an island-wide perspective.</li> <li>• District candidates will tend to focus primarily on district issues rather than county-wide concerns.</li> </ul>



## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;"><b>CHARTER QUESTION 4</b></p>	<p>Shall the Charter Commission, which is currently formed every ten years to study and review the operations of county government and propose amendments to the Charter, instead be established for a period of ten years beginning in 2007 and ending in 2017, and thereafter, revert to being formed every ten years?</p>
<p style="text-align: center;"><b>BACKGROUND</b></p>	<p>Currently the Charter Commission is appointed by the Mayor with the approval of the Council once every ten (10) years.</p>
<p style="text-align: center;"><b>EXPLANATION OF PROPOSED AMENDMENT</b></p>	<p>If approved, a new Charter Commission will be established for the next ten (10) continuous years beginning in 2007; thereafter, the Charter Commission will be again be appointed only once every ten (10) years.</p>
<p style="text-align: center;"><b>MEANING OF A "YES" VOTE</b></p>	<p>A "Yes" vote means a new Charter Commission will be established in 2007 and will exist for 10 years.</p>
<p style="text-align: center;"><b>MEANING OF A "NO" VOTE</b></p>	<p>A "No" vote means the Charter Commission will not be established again until 2016.</p>
<p style="text-align: center;"><b>PROS AND CONS</b></p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Improves the Commission's ability to deal with complex issues that require in-depth analysis and lengthy discussion.</li> <li>• Avoids proposing an excessive number of amendments at any one election that could lead to voter apathy and confusion.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Like the Federal and State Constitutions, the Charter should not be frequently amended.</li> <li>• The existing methods of amending the Charter are adequate.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;"><b>CHARTER QUESTION 5</b></p>	<p>Shall the findings of the Salary Commission establishing salaries for all councilmembers and county officers and employees who are exempt from civil service become effective, unless rejected in whole or in part, by a vote of five or more members of the Council?</p>
<p><b>BACKGROUND</b></p>	<p>Currently there is a Salary Commission provided for in the County Charter, but it has no members appointed to it. The Salary Commission sets salaries for councilmembers and reviews and recommends salaries for all county officers and employees exempt from civil service.</p>
<p><b>EXPLANATION OF PROPOSED AMENDMENT</b></p>	<p>If approved, this amendment would give the Salary Commission the power to set the salaries of not only councilmembers, but also county officers and employees exempt from civil service, unless its recommendations are rejected by a supermajority of the council.</p>
<p><b>MEANING OF A "YES" VOTE</b></p>	<p>A "Yes" vote gives the Salary Commission the power to set the salaries of county officers and employees exempt from civil service.</p>
<p><b>MEANING OF A "NO" VOTE</b></p>	<p>A "No" vote means that the Salary Commission will continue to set the salary of councilmembers, but only make recommendations as to the salaries of county officers and employees exempt from civil service.</p>
<p><b>PROS AND CONS</b></p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Improves the ability of the County to attract qualified people to public service and to pay them accordingly.</li> <li>• Establishes uniform policies providing guidance to the Commission in setting appropriate salaries for all elected officials and appointees.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Diminishes the authority of elected officials to set salaries for elected officials and appointees.</li> <li>• The Salary Commission's recommendations may not recognize or consider the need to balance the budget of the county.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 6</b>	Shall there be a Boards And Commissions Administrator and any necessary staff to assist in providing training, education, administrative and operational support to the various county boards and commissions?
<b>BACKGROUND</b>	Currently, except for boards and commissions associated with an administrative department, the members of the various county boards and commissions receive minimal support and assistance in performing the duties given to them by the Charter.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, the mayor will appoint an administrator to assist in providing the various county boards and commissions with administrative and operational support, orientation and training, and serve as a communications liaison between boards and commissions and the various county departments.
<b>MEANING OF A "YES" VOTE</b>	A “Yes” vote means that a new position of Administrator of Boards and Commissions would be created, with necessary staff, to assist all county boards and commissions.
<b>MEANING OF A "NO" VOTE</b>	A “No” vote means that County Boards and Commission will continue to be supported by the individual departments and offices, as well as the Mayor’s office.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Provides all boards and commissions with necessary orientation, including knowledge of legal framework, ethics, duties and responsibilities.</li> <li>• Provides necessary support staff to all boards and commissions in order to help them better fulfill their duties and obligations.</li> <li>• Provides continuity and institutional knowledge for increased efficiency for all Boards and Commissions.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Unreasonably limits Mayor’s ability to manage and allocate administrative personnel and resources.</li> <li>• Performs duties and responsibilities already performed by other county agencies and departments.</li> <li>• Increases size and cost of government.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 7</b>	Shall all boards and commissions established by Charter consist of seven members, including the Police Commission, Civil Service Commission, Liquor Commission, and the Board of Ethics?
<b>BACKGROUND</b>	Currently the police commission, civil service commission, liquor commission and board of ethics consist of five members. All other boards and commissions established by Charter consist of seven members.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, all boards and commissions established by Charter will consist of seven members.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that all boards and commissions established by Charter will consist of seven members.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that all boards and commissions established by Charter will consist of seven members except for the police commission, civil service commission, liquor commission and the board of ethics.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• With more members, increases efficiency and ability of boards and commissions to more effectively carry out their duties and responsibilities.</li> <li>• Additional members provide a broader range of experience, knowledge and perspective.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Already difficult to find sufficient volunteers to serve on existing boards and commissions.</li> <li>• May increase size and cost of government.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;"><b>CHARTER QUESTION 8</b></p>	<p>Shall all members of boards and commissions established by Charter serve staggered terms of three years, including the Cost Control Commission, whose members currently serve terms ending at the same time as the Mayor, and the Salary Commission, whose members currently serve terms ending at the same time as the Council?</p>
<p style="text-align: center;"><b>BACKGROUND</b></p>	<p>Currently all boards and commissions serve staggered terms of three years except for the Cost Control and Salary Commissions, whose members serve terms ending at the same time as the Mayor and Council.</p>
<p style="text-align: center;"><b>EXPLANATION OF PROPOSED AMENDMENT</b></p>	<p>If approved, all members of boards and commissions will serve staggered terms of three years.</p>
<p style="text-align: center;"><b>MEANING OF A "YES" VOTE</b></p>	<p>A “Yes” vote means that all members of boards and commissions will serve staggered terms of three years.</p>
<p style="text-align: center;"><b>MEANING OF A "NO" VOTE</b></p>	<p>A “No” vote means that all members of boards and commissions will serve staggered terms of three years except for the Cost Control and Salary Commissions, whose members will continue to serve terms ending at the same time as the Mayor and Council.</p>
<p style="text-align: center;"><b>PROS AND CONS</b></p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Provides for continuity of experience, institutional knowledge and historical overview.</li> <li>• Commissions and boards could have more balanced representation as membership terms could span more than one (1) administration.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Lessens a mayor’s ability to appoint all commissioners consistent with his/her philosophy.</li> <li>• Less efficient than having all commissioners serving for the same period of time.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 9</b>	Shall all members of boards and commissions established by Charter be appointed by the Mayor and approved by the County Council, including the Cost Control and Salary Commissions?
<b>BACKGROUND</b>	Currently, all members of boards and commissions established by Charter are appointed by the Mayor and approved by the County Council except for the Cost Control and Salary Commissions, to which three members are appointed by the mayor, three by the County Council and the seventh appointed by the selected six.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, all members of boards and commissions established by Charter, including the Cost Control and Salary Commissions, will be appointed by the Mayor and approved by the County Council.
<b>MEANING OF A "YES" VOTE</b>	A “Yes” vote means that all members of boards and commissions established by Charter will be appointed by the Mayor and approved by the County Council.
<b>MEANING OF A "NO" VOTE</b>	A “No” vote means that all members of boards and commissions established by Charter will be appointed by the Mayor and approved by the County Council, except for the Cost Control Commission and the Salary Commission.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Standardizes the appointment process to be consistent with all other Charter boards and commissions.</li> <li>• Provides a check and balance by allowing both executive and legislative branches of government to have shared authority in the appointment process.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Decreases Council’s ability to make appointments.</li> <li>• Overburdens Mayor in recruiting and making initial appointments.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 10</b>	Shall there be a Fire Commission consisting of seven members who shall appoint and remove the fire chief, review and make recommendations relating to the Fire Department's annual budget and operations and hear complaints of citizens concerning the department or its personnel?
<b>BACKGROUND</b>	Currently there is no Fire Commission, and the Fire Chief is appointed by the Mayor. Kauai is the only county without a Fire Commission.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, a Fire Commission will be created, and that commission will appoint the Fire Chief, make budget recommendations, and provide a forum for people to initiate complaints concerning the department or its personnel.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that a Fire Commission will be created, and this commission will appoint the Fire Chief.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that a Fire Commission will not be created and the Mayor will continue to appoint the Fire Chief.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Provides for continuity of policy management and long-range planning which is critical for public safety or emergency services.</li> <li>• Depoliticizes the appointment process by taking away the authority of the mayor to appoint the Fire Chief and giving it to the Fire Commission.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• No current significant problems have been identified with the present structure and organization, and no identified need has been shown for a new commission.</li> <li>• Increases the size and cost of government.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 11</b>	Should the requirement that each initiative and referendum petition be signed by not less than 20% of the number of eligible voters in the last general election be reduced to 5% of eligible voters?
<b>BACKGROUND</b>	Currently each initiative and each referendum petition must be signed by not less than twenty percent (20%) of the number of eligible voters in the last preceding general election.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved this amendment would reduce the number of signatures required from twenty percent (20%) to five percent (5%) of the number of eligible voters in the last preceding general election.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that an initiative or referendum petition would need only five percent (5%) of the number of eligible voters in the last preceding general election.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that the number of signatures necessary for an initiative referendum petition will remain at twenty percent (20%) of the number of eligible voters in the last preceding general election.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Makes it easier for citizens to enact or repeal county laws, and consequently gives citizens a greater opportunity for direct participation in the operation of their county government.</li> <li>• Makes signature requirements for initiative and referendum the same as existing signature requirements for citizen-initiated Charter amendments</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Potentially allows for a smaller group of people who do not necessarily represent the views of the general public to influence County legislation.</li> <li>• Weakens principle that County legislation should be enacted through an elected group of representatives, versus through a direct vote of the public and weakens view that laws are made by a representative democracy.</li> </ul>



## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 12</b>	Shall the requirement that each recall petition be signed by not less than 20% of the voters registered in the last general election be reduced to 5%?
<b>BACKGROUND</b>	Currently a petition to recall an elected official for the County requires the signatures of currently registered voters numbering not less than twenty percent (20%) of voters registered in the last general election.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved this amendment would reduce the number of signatures required for a recall petition from twenty percent (20%) to five percent (5%).
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means the number of signatures required to force a recall election would be reduced from twenty percent (20%) to five percent (5%).
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that the number of signatures required to force a recall election would remain at 20% of the registered voters in the last general election.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Makes it easier for citizens to remove non-responsive public officials.</li> <li>• Makes signature requirements for recall the same as existing signature requirements for citizen-initiated Charter amendments.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Potentially allows for a smaller group of people who do not necessarily represent the views of the general voting public to require a costly and time-consuming special recall election to occur.</li> <li>• A five percent signature requirement is too small a sampling of voters to require a recall election.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 13</b>	Shall the Code of Ethics be amended to prohibit councilmembers from voting on a matter in which the councilmember has a conflict of interest unless the councilmember's participation is required for a quorum and subsequent vote?
<b>BACKGROUND</b>	Currently councilmembers who have a conflict of interest in a matter must disclose that conflict of interest, but are not prevented from voting on the matter.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, councilmembers will no longer be able to vote on matters in which they have a conflict of interest, unless the councilmember's participation is required for quorum purposes.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that councilmembers will no longer be able to vote on matters in which they have a conflict of interest, unless their participation is necessary for quorum purposes.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that councilmembers will continue to be able to vote on matters, even if they have a conflict of interest, as long as they disclose the conflict of interest.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Does not allow councilmembers to vote if they have a conflict of interest.</li> <li>• Prevents councilmembers from participating in debate that may unduly influence decision-making.</li> <li>• Promotes a high standard of integrity and morality in government.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• Councilmembers need to participate as an elected representative.</li> <li>• Public disclosure of a conflict of interest is sufficient without the need to recuse themselves from voting.</li> <li>• Avoids frivolous claims of alleged conflict of interest.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 14</b>	Shall the requirement that the County Engineer be a registered engineer be removed from the Charter?
<b>BACKGROUND</b>	The existing Charter requires the County Engineer to be a registered engineer, which has severely limited the number of applicants who can be considered by the Mayor to fill this position.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, the requirement “shall be a registered engineer and” will be removed from the Charter and will read “shall have had a minimum of five years of training and experience in an engineering position, at least three years of which shall have been in a responsible administrative capacity.”
<b>MEANING OF A "YES" VOTE</b>	A “Yes” vote will remove the registered engineer requirement to qualify for the position of County Engineer.
<b>MEANING OF A "NO" VOTE</b>	A “No” vote will keep the existing Charter language and requirement that the County Engineer be a registered engineer.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• Expands the amount of applicants for the position, which may expedite the filling of the position.</li> <li>• There are other licensed engineers within the Public Works Department.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• The title County Engineer indicates that the person be a licensed engineer in the State of Hawaii.</li> <li>• Person selected may not possess enough technical knowledge to make engineering-related decisions for the department.</li> </ul>

## PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<b>CHARTER QUESTION 15</b>	Shall the title of Administrative Assistant be changed to Managing Director?
<b>BACKGROUND</b>	The Mayor's assistant is presently called the Administrative Assistant in the existing Charter. This term is more closely linked to the clerical staff rather than an executive position and this title may be outdated.
<b>EXPLANATION OF PROPOSED AMENDMENT</b>	If approved, Administrative Assistant, as referred to in the Charter, will be replaced by Managing Director in Sections 6.04 and 7.06 of the Charter.
<b>MEANING OF A "YES" VOTE</b>	A "Yes" vote means that the position of Administrative Assistant will be changed to Managing Director with the same duties and responsibilities.
<b>MEANING OF A "NO" VOTE</b>	A "No" vote means that the existing Charter language referring to the Administrative Assistant will not be changed.
<b>PROS AND CONS</b>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> <li>• More accurately describes the duties and responsibilities.</li> <li>• Existing title relates the position to a clerical support function rather than the executive or managerial role which it performs.</li> </ul> <p><i>Cons:</i></p> <ul style="list-style-type: none"> <li>• May erroneously indicate a job description change.</li> <li>• The existing job title accurately reflects the position as assistant to the Mayor as required in the Charter.</li> </ul>

## **ATTACHMENT I**

**Letter from Office of County Attorney concerning  
Terms of office of Charter Commission members**

**Copies available with Charter Commission files or  
for review by calling 241-6300.**

## **ATTACHMENT J**

### **Meaning of a “Blank Vote”**

**Copies available with Charter Commission files or  
for review by calling 241-6300.**

# **ATTACHMENT K**

## **Agenda and Meeting Minutes**

**(See County of Kauai website  
[www.kauai.gov](http://www.kauai.gov)  
Charter Commission link)**